

AF/GAU 2758 \$  
#17



PATENT  
Docket No. 154143-0009

I hereby certify that this correspondence and any attachments are being deposited with the United States Postal Service in an envelope as "Express Mail Post Office to Addressee" mailing label No. EL089006758US addressed to: Box: AF, Assistant Commissioner for Patents, Washington, D.C. 20231 on July 9, 1999.

*David Taub*

David Taub

RECEIVED  
99 JUL 14 PM 2:05  
GROUP 2700

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Application Of:

Payne

Serial Number: 08/788,613

Filing Date: 01/24/97

Entitled: **SYSTEM AND METHOD FOR  
TRANSMISSION OF DATA**

Examiner: Caldwell, A.  
Group Art Unit: 2758

Assistant Commissioner for Patents  
Box: AF  
Washington, D.C. 20231

**INFORMATION DISCLOSURE STATEMENT**

Sir:

Pursuant to §1.56 of the Rules of Practice in patent cases, enclosed herewith is form PTO-1449, in duplicate, listing references, one of which was *previously submitted* by Applicant to the Patent Office in the above-identified application. The following reference is being newly submitted:

Motorola, Inc., Short Form Address With Message Protocol, Two-Way  
Messaging Network, 21 June 1995  
([http://www.mot.com/MIMS/MSPG/CTSD/products/short\\_form/sfp\\_s2.html](http://www.mot.com/MIMS/MSPG/CTSD/products/short_form/sfp_s2.html))

Applicant respectfully notes that the above-identified Motorola reference is similar to a Motorola reference dated 24 June 1995 (Motorola, Inc., Short Form Address With Message Protocol, Two-Way Messaging Network, 21 June 1995), which was submitted to the Patent Office in the above-identified application in an information disclosure statement deposited as first class mail under 37 C.F.R. 1.8 on September 12, 1997. (The 24 June 1995 reference was originally cited in a PCT International Search Report dated 11 April 1997 which was submitted to the Examiner in the above-identified application.) The Examiner, in his Office Action dated May 17, 1999 noted however that because the Patent Office failed to properly match the references submitted to the Patent Office with the application file, only the patents cited in the information disclosure statement (referring to the information disclosure statement Applicant deposited on September 12, 1997) were considered. The Examiner noted that if the Applicant wished the cited non-patent literature, i.e. the Motorola reference dated 24 June 1995, to be considered, a copy of the reference must be resubmitted.

Per the Examiner's instructions, a copy of the previously submitted Motorola reference dated 24 June 1995 is enclosed. Unfortunately, the only copy available to Applicant appears blurred. (Applicant is unable to access the website address provided in the International Search Report for the 24 June 1995 Motorola reference.) In searching for a copy which may appear more legible, a similar publication by Motorola dated 21 June 1995 was found. Both Motorola publications are cited in the attached PTO-1449, copies of which are also enclosed.

The references listed are believed to be of interest to the prosecution of the subject application. Applicant respectfully requests that these references be considered and made of record.

No representation is made or intended as to the completeness of this list, nor is this submission of reference an admission that these references are prior art or pertinent to the subject application.

The information disclosure statement transmitted herewith is being filed after a final action under §1.113 but before the payment of the issue fee. In accordance with the requirements of 37 CFR §1.97(d), accompanying this transmittal is a statement, as specified in 37 CFR §1.97(e), and petition for the consideration of the accompanying information disclosure statement.

Please charge any required petition fees, and any other required additional fees during the prosecution of this application (except for the payment of the Issue Fee), and/or credit any overpayments, to Deposit Account No. 09-0946. A duplicate copy of this letter of transmittal is attached for that purpose.

Respectfully submitted,



Date: July 9, 1999

Sharon Wong  
Reg. No. 37,760

IRELL & MANELLA LLP  
1800 Avenue of the Stars, Suite 900  
Los Angeles, California 90067-4276  
Telephone: (310) 277-1010  
Facsimile: (310) 203-7199  
swong@irell.com